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12 *Attorneys for Defendant*  
13 *United States Forest Service*

14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

16 JANE SCHUMACHER,

17 Case No. 2:18-cv-000375-RFB-CWH

18 Plaintiff,

19 v.

20 **Joint Motion to Defer Early Neutral  
21 Evaluation Session**

22 UNITED STATES FOREST SERVICE,  
23 *an agency of the United States Department of  
24 Agriculture,*

Defendant.

25 Defendant United States Forest Service (“Defendant”) and Plaintiff Jane  
26 Schumacher (“Plaintiff”) hereby jointly move to defer the Early Neutral Evaluation session  
27 (“ENE”), currently scheduled for July 30, 2019, until after the close of discovery.

28 **ARGUMENT**

29 Plaintiff has filed a complaint asserting claims for gender discrimination, age  
30 discrimination, and disability discrimination arising from her employment with Defendant.  
31 (ECF No. 1 ¶¶ 174-232). The Court recently scheduled an ENE for July 30, 2019 at 10:00  
32

1 a.m. (ECF No. 10). On May 28, 2019, Defendant moved to dismiss the complaint. (ECF  
2 No. 14). That motion is not yet ripe.

3 The parties seek to defer the ENE until after they have had an opportunity to conduct  
4 discovery in the case. Defendant is unlikely to receive authorization from her superiors to  
5 resolve the case unless and until significant discovery occurs. Moreover, the parties cannot  
6 properly frame the issues in the case until the Court decides Defendant's motion to dismiss.  
7 Under the circumstances, participating in an ENE at this time would not be meaningful,  
8 productive, or fruitful.

9 **CONCLUSION**

10 For the reasons argued above, the parties respectfully request that the Court defer the  
11 ENE, currently scheduled for July 30, 2019, until after the close of discovery.

12 DATED: June 4, 2019.

13 NICHOLAS A. TRUTANICH  
14 United States Attorney

15 /s Holly A. Vance  
16 HOLLY A. VANCE  
Assistant United States Attorney  
Counsel for Defendant

17 /s Scott E. Lundy  
18 SCOTT E. LUNDY  
REMPFER MOTT LUNDY, PLLC  
Counsel for Plaintiff

19 **IT IS SO ORDERED.**

20 Dated: June 5, 2019.

21   
22 IT IS HEREBY ORDERED that a  
status hearing is scheduled for  
23 10:00 AM, December 5, 2019, in  
Courtroom 3D.

24 **UNITED STATES MAGISTRATE JUDGE**